

March 12, 2002

To: Supervisor Zev Yaroslavsky, Chairman
Supervisor Gloria Molina
Supervisor Yvonne Brathwaite Burke
Supervisor Don Knabe
Supervisor Michael D. Antonovich

From: David E. Janssen
Chief Administrative Officer

STATE LEGISLATIVE UPDATE

Anti-Terrorism

On Monday, March 11, the Senate Select Committee on Anti-Terrorism Policy held a lengthy hearing to assess the State's current level of preparedness and to identify areas for improvement. Invited panelists included Sheriff Baca, who spoke as part of a first responders' needs assessment panel. There was consensus that California's level of preparedness exceeds that of most states. However, the State's health system response capability was among areas identified in need of improvement, as it does not have the history of mutual aid and coordination that benefits law enforcement and firefighting agencies.

Senator Bruce McPherson (R-Santa Cruz), who chairs the committee, is to meet with Tom Ridge, Director of Homeland Security later this week, and will press for additional federal support for training and preparedness efforts, for improved computer and communications systems, and for upgraded detection equipment.

Pursuit of County Position

AB 2075 (Chavez) would expand the requirement for a convicted defendant to pay the reasonable costs incurred by a probation department when providing services. Current law requires a probation officer or a court to determine a defendant's ability to pay the reasonable costs of pre-plea and pre-sentence investigations and reports, or to pay for the

preparation of inter-county and interstate transfer reports which were conducted or prepared by a county probation department. AB 2075 expands the defendant's responsibility to include paying for the reasonable cost of pretrial monitoring, investigation and reports, and post sentence investigations and reports prepared or conducted by a county probation department.

According to the Probation Department, the County spends up to \$20 million per year on services to adult defendants which are not covered under current law and may not be recovered from defendants. With the passage of AB 2075, the Probation Department estimates that it will recover 10 percent of this cost, or \$2 million. These funds are applied to the operating expenses of the Probation Department.

The intent of AB 2075 is consistent with your Board's State Legislative Agenda to support measures that hold convicted persons accountable for costs of probation services based on an ability to pay. Therefore, **our Sacramento advocates will support AB 2075**. This bill was introduced on February 19, 2002 and is in the Assembly Public Safety Committee awaiting a hearing date.

AB 2889 (Shelley) would mandate creation of an agency shop for all non-supervisory recognized public sector bargaining units. No election would be necessary, but an election would have to be held to rescind an agency shop.

The Meyers-Milias-Brown Act (MMBA) provides that an agency shop agreement may be negotiated between a public agency and a recognized public employee union. Under these provisions, if the union submits a petition signed by 30 percent of the members of the bargaining unit, an election must be held to determine whether the employees wish to have an agency shop agreement. Pursuant to this Act, in 1991 the County adopted employee relations ordinances which include procedures to qualify for an election to have an agency shop and have since negotiated several agency shop elections.

AB 2889 would revise the MMBA by eliminating the petition and election process. Employees would have no opportunity to express an opinion on an agency shop. Local control of labor relations practices and law pertaining to union shops that have been developed between the County and its unions would be eliminated and the County would be precluded from any involvement in establishing agency shop agreements. According to my Office of Employee Relations, if this bill were enacted there are approximately 5,000 employees in non-agency shop units, who are not union members, who would be required either to join the recognized employees' organization or pay service fees in an amount not to exceed the union's standard initiation fee, periodic dues, and general assessments as a condition of employment.

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On June 8, 1999, the Board voted to oppose SB 739 (Solis) which mandated public agencies to authorize an agency shop agreement if 30 percent of employees in the bargaining unit request an agency shop election, unless it was amended to exclude public entities that have existing ordinances and procedures to qualify for an election to have an agency shop. **Based on this previous Board action, our Sacramento advocates will be opposing AB 2889.** The bill was introduced on February 25, 2002 and is currently in the Assembly awaiting assignment to a committee.

We will continue to keep you advised.

DEJ:GK
IGR:md

c: Executive Officer, Board of Supervisors
 County Counsel
 All Department Heads
 Legislative Strategist
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 Coalition of County Unions
 California Contract Cities Association
 Independent Cities Association
 League of California Cities
 City Managers Associations
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